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Celebrating 50 Years of Service to the Community, 1965 - 2015

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May 12, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. As the Program's Project Description and Objectives are still being developed, it is difficult to accurately assess the environmental impacts of the Program.

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it does not address depletion of a basin that, by the County's criteria, is at the highest level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would maintain status quo in a basin that is at LOS III with demand equal to

supply. In basins where demand already exceeds supply, failure to achieve and maintain offsets would result in new permanent demand and further exacerbate the level of severity in the basin.

Offsets result in theoretical water savings – we know a new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is appropriate to use offsets as a means to lessen resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as the basis for allowing new development with its potential for permanent new resource demands.

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consideration should be given to revising the goal to 'eliminating water waste in the County' and including measurable goals based on reasonable estimates of current levels of water waste in the County.

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. As it is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

Finally, the draft SEIR must specifically evaluate the water resource impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity in the NMWCA. The District Board and staff are committed to assisting in this effort in every way possible.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun
General Manager

Cc (by email): 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman



May 13, 2015

San Luis Obispo County Planning Commission
County Government Center
San Luis Obispo, CA

RE: Draft WNND Implementation Language for County Land Use Ordinance (Title 22)

Dear Chairperson Topping and Members of the Commission:

The Paso Robles Wine Country Alliance Government Affairs Committee has reviewed the above referenced draft and also had the opportunity to discuss it with County Planning Staff. We provide the specific comments below (in italics) for your consideration, followed by general comments.

22.30.204. A. "In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB." *We request that the Bulletin 118 boundary be used to provide more options and consistency with the Sustainable Groundwater Management Act (SGMA).*

22.30.204. E1. "Eligible sites for participation. On-site offset. Conversion or intensification on the same site will require an offset clearance." *This was not understood as part of the Urgency Ordinance and should not apply to replanting on the same site if that activity does not intensify crop production resulting in increased water.*

22.30.204. E2. *The explanation of the requirements for contiguous property and same ownership for sender/receiver is acceptable; however, we do not want any proximity requirements attached to this. Under the same owner, an offset on another property within the PRGWB should be allowed. Since it is required to be the same landowner or contiguous parcels a proximity limiting factor is not needed.*

22.30.204. G2. "Proposed sending sites predominantly composed of soils designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland will remain in some form of crop production." *If you reduce or eliminate water use in the sending site, how can you meet the criteria to keep it in crop production?*

22.30.204. G5. "Sending sites will be determined by current demand of irrigated crop production on the sending site." *What historical data will be required to verify the current demand?*

22.30.204. G7. Deed restriction. *Add language that makes it clear that the deed restriction is lifted immediately upon sunset of the ordinance.*

22.30.204. H. Termination. "The provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan for the PRGWB." *This may be on or before 2020 so this language is too vague and creates undue difficulty for agriculturists who need to plan well in advance.*



We want to emphasize the need for a clear, ministerial process that will not require any public notice so that applicants may conduct business with a degree of assurance. It has been suggested by some that notification cards should be sent to neighbors; however, this may create undue controversy. How much detail would such a notification provide?

It is important that a sufficient number of years are allowed before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants.

In conclusion, we want to thank Planning Staff members Xzandra Fowler, Cheryl Cochran and Michael Hanebutt for meeting with us to discuss and receive comments on the Draft. We look forward to your deliberations and will be in attendance to provide input and answer any questions that you may have.

Sincerely,
Patricia Wilmore
Government Affairs Coordinator
Paso Robles Wine Country Alliance
pwilmore@pasowine.com

Xzandrea,

I am Willy Cunha a member of the Paso Robles Ground Water Basin Advisory Committee. You spoke to our Management Subcommittee meeting on May 4th at the Paso Library and listened to some of our concerns regarding the proposed Ag Offset Ordinance. I wanted to reiterate my two main concerns regarding sending sites for Ag Offsets for reducing irrigation on one site in our Basin and moving it to another site within our Basin. Applications that move the location of use a short distance, a mile maybe half a mile, should have very little paperwork or review. If these two sites are within the same topographic area the effects should be relatively equivalent. They should not need to notice the neighbors. For those sending and receiving sites that are more discontinuous, more than a mile or in separate topographic areas, the level of scrutiny should be much higher. The cost of the requisite studies should be borne by the applicant. The neighbors of the receiving site should definitely be notified at the expense of the applicant. This should apply to any area of the Paso Basin. It should not be aimed only at "red zones". Increasing water use in any area will potentially lead to new local "red zones". Increased pumping in one part of the basin can cause impacts on nearby properties even if pumping is reduced elsewhere. Notice should be provided to surrounding landowners near a proposed discontinuous receiving site when the application is accepted for processing.

The idea of a one to one offset to allow for reasonable use of our existing water and agricultural resources is a good one. The Ag economy is at the very heart of our local economy, our State economy and our National economy. They are resources that we truly need and we truly need to manage in a responsible and long term sustainable fashion. To allow reasonable transfers of water use is a good thing. To allow one property owner to create a new use in a discontinuous area of the basin at the cost of his neighbors is not fair and that use is not mitigated by reducing use in another discontinuous part of the basin. The water in our groundwater basin is connected but does not slosh back in forth like the milk in a bowl of cheerios. Our use of water in the basin and the resulting uneven water levels have shown that quite clearly. While it may be convenient to declare that the water is connected, in reality the connections are tenuous and in many areas it may take from tens of years to hundreds of years for water levels to respond. There are areas where the connection is very strong and the response is very rapid. The applicant for a discontinuous transfer of water should bear the cost of demonstrating that.

Is there a place on your website where you have posted or will be posting the latest suggested language?

Thank you,

Willy Cunha

the only change that I would like to see is a temporary change to the off set from a 1:1 ratio to a 1:2 ratio until the drought is over AND the ground table levels show an increase in water supply

thanks Larry Bender